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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,833	12/12/2001	Alan Glen Solheim	16-089	6722
27667	7590	01/13/2006	EXAMINER	
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			PAYNE, DAVID C	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/017,833

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 7-18-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present. (Claim 31 omitted)
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: Submit claims showing renumbering. (See attached claims)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Margaret McGehee
Legal Instruments Examiner (LIE)

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ATTACHMENT

28. A method as claimed in claim 26, wherein said optical device is an optical amplifier and said further performance data is one or both of the Raman power and Raman gain.

29. A method as claimed in claim 26, wherein said optical device is a transmitter and said further performance data is the launch power.

30. A method as claimed in claim 26, wherein said optical device is a receiver and said further performance data is one or more of the sensitivity level, BER, Q factor, and eye opening.

31 ~~32~~. A method as claimed in claim 26, wherein said optical device is a receiver and said further performance data is the link chromatic dispersion.

32 ~~33~~. A method as claimed in claim 25, wherein said measured performance data include power levels and noise levels measured in each said respective measurement point for each wavelength traveling along said path.

33 ~~34~~. A method of optimizing connections in a wavelength switched optical network, comprising:

for a regenerator section of a path, modifying operation of a specified wavelength for increasing the reach of said selected wavelength; and

controlling operation of all other wavelengths passing through said specified regenerator section for maintaining the performance data of each said all other wavelengths on said paths within a respective range.

34 ~~35~~. A method as claimed in claim ³³~~34~~, wherein said step of modifying comprises adjusting the launch power of said specified wavelength until a performance parameter of said regenerator section is within an operational range.

MAIL TO ATTORNEY

Rule 1.176
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ATTACHMENT

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~~35~~ 36. A method as claimed in claim ~~34~~, wherein said step of modifying comprises changing the gain/loss of said specified wavelength.

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~~36~~ ~~37~~. A method as claimed in claim ~~34~~, wherein said step of controlling includes selecting said other wavelengths to provide greater wavelength spacing.

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